

E. CCAP Criteria for Income Eligibility: 0850.02.05. ASSC participants not receiving FIP cash assistance and working families who meet the general requirements in section 0850.02.02 and the following criteria may be CCAP income eligible:

1) Financial Determination. The countable income of the financial unit shall be at or below 225 percent of the federal poverty level, based on family size. The income of self-employed families shall be calculated as outlined in Section 0824.20.10 of the DHS Code.

2) Family Cost Sharing Requirement. Eligible families with countable income above 100% of the FPL shall pay a share of the expense for the child care services authorized in section 0850.02.07. The family shall be assessed a share of the cost for authorized services (formerly referred to as co-payment) based on a percentage of the gross countable income for families at each level. The family share and income guidelines are set in accordance with the CCAP Cost-Sharing Payment Rate Table located in Part V of this rule.

a) The family share shall be determined without regard to the number of eligible children who are enrolled or the total of services utilized. The family share shall be assigned to the first or youngest eligible child enrolled in care--that is, the eligible child who receives authorized services paid at the highest rate. The family share shall only be distributed among providers when the total amount of the co-payment assigned exceeds the rate paid for the first, or youngest, eligible child enrolled.

The income levels and percentage range of family shares are as follows:

FAMILY SHARE/CO-PAYMENT
FAMILY SHARE INCOME RELATIVE TO THE
FAMILY SHARE

LEVEL	FEDERAL POVERTY LEVEL	AMOUNT
Level 0	Less than or equal to 100%	No Family Share
Level 1	Above 100% up to and	1% of Countable

	including 125%	Gross Income
Level 2	Above 125% up to and including 150%	4% of Countable Gross Income
Level 3	Above 150% up to and including 185%	<u>7</u> 8 % of Countable Gross Income
Level 4	Above 185% up to and including 200%	<u>11</u> 12 % of Countable Gross Income
Level 5	Above 200% up to and including 225%	<u>15</u> 16 % of Countable Gross Income

(Refer to complete Cost Sharing Table in Section 0850.05)

b) A family's share of the cost for child care services approved for CCAP payment shall be recalculated any time that the family submits a new application and supporting documentation, or reports a change to DHS that may affect eligibility prior to the end of the family's certification period. DHS shall recalculate the family's share of the cost for CCAP authorized services anytime there are changes in the family's income or size of the financial unit;

c) The Notice of Approval for child care assistance shall indicate whether a family is required to pay a share of the cost for authorized child services based on countable income. The Approval Notice shall indicate to the family the exact amount of their family share and the calculations used to determine that amount. The family shall also be informed of the amount of their family share and which provider(s) to pay in the Confirmation of Enrollment letter.

3) Need for Services. To be authorized for income-based CCAP child care services, the parent(s) shall have an acceptable need for services related to employment or participation in an approved educational program.

a) General Criteria: Income Eligible. For there to be an acceptable need for services in a two-parent home, each parent shall be employed a minimum of an average of twenty (20) hours per week in a month and require CCAP child care services during periods of time when working. In addition, the parents shall each earn, per hour, an average of the greater of either the state or federal minimum wage. For

there to be an acceptable need for services in an one-parent home, the parent living in the household shall be employed a minimum of an average of twenty (20) hours per week in a month, earn per hour an average of the greater of either the state or federal minimum wage, and require CCAP child care services during periods of time when working.

b) Program-Specific Criteria: ASSC Participants. To obtain CCAP authorized services, non-FIP teens applying for income eligibility shall meet the applicable general criteria as well as the following program-specific criteria:

i) The applicant parent shall be an ASSC participant, under twenty (20) years of age, and without a high school degree or its equivalent;

ii) The applicant ASSC parent shall be employed, attending school or participating in education related activities, or engaged in some combination thereof for a minimum of twenty (20) hour per week, on average, in a month. CCAP child care services for ASSC participants who meet this requirement may be authorized for a period of up to twelve (12) months, with the end date set to correspond to completion date of the educational activity - e.g., date high school diploma or GED is received;

iii) Teen Parent Under the Age of Sixteen (16). A teen parent who is under age sixteen (16) may not have a child care case in their own name, unless documentation of emancipation exists. Child care services extended to a teen parent under the age of sixteen (16) shall list the case in the name of the parent or legal guardian of the teen parent and may also include that teen parent as a child care recipient.

4) Limitations. The need for child care services shall be related to the periods of time in which no parent is available to provide care for the child as a result of employment and/or education commitments (for ASSC participants. In addition, CCAP child care services shall not be authorized for an otherwise income eligible child under the following circumstances:

a) A parent of the eligible child is a self-employed as a child care provider, and is requesting payment for care provided to the child during the hours they are employed in

that capacity. This limitation shall not apply if the parent is an employee of a child care provider;

b) A parent is providing the child care, irrespective of whether the parent lives in the same household as the eligible child(ren);

c) A person living in the same legal residence of the eligible child(ren) is providing the child care;

d) The applicant parent's sole source of income is derived from rental and/or room and board income, and the need for services is based on activities related to obtaining or collecting that income. Such activities shall not be considered employment for the purposes of this section and, as such, shall not count toward the minimum number of hours of work required to establish a need for CCAP authorized child care services; or

e) The applicant parent's need for services is based in part or in whole on time spent working as a volunteer, or in any similar capacity in which no wages are earned, paid, or expected. Unpaid work of this kind also shall not count toward the minimum number of work hours required for CCAP income eligibility.

5) Exceptions. In certain circumstance, families unable to meet the need for services requirements may qualify for an exception that allows authorization of CCAP services. The exceptions are as follows:

a) One parent in a two-parent family has a documented disability that states that parent is unable to care for the child. Exceptions may be granted if the family provides written verification to a department representative from a qualified licensed health care practitioner, program or facility indicating that the parent cannot provide appropriate care of the child due to a neuro-physiological, psychological or emotional disorder, physical impairment, or serious health condition.

Requests for an exception shall be made on forms approved by DHS, and submitted along with the required medical documentation for review and approval by a CCAU representative. Any health information requested or obtained for the purposes of this section shall be subject to the privacy protections established in state law and the

Health Insurance Portability and Accountability Act of 1996 (HIPAA).

b) Parents with disabilities. Employed parents determined to have disabilities may be exempt from meeting the minimum number of hours of work and the minimum wage requirements required to establish a need for services set forth in this subsection. An exemption shall not be granted until an assessment by an appropriate entity or provider of the parent's condition is complete, a final determination of disability is made, and the documentation verifying the parent's disability is submitted to DHS.

Final decisions on whether an exemption is warranted shall be made by a CCAU supervisor. Notice of the decision shall be provided to the parent requesting the exemption in accordance with the requirements of Section 0850.02.09 of this rule.

c) Short Term, Employer Authorized Absences. Short-term, employer authorized, absences from work for family/medical leave, vacations, or annual or personal leave are considered to be within the parameters of employment and will not adversely affect the scope of eligibility or ability to utilize CCAP authorized care, as long as the parent retains "employee" status during such absences. In addition, the following criteria must be met:

i) The parent's absence from work does not exceed twenty-one (21) consecutive days in a certification period.

Absences that extend beyond these time limits must be reported in accordance with Section 0850.02.09(3) and may result in a change in the scope of CCAP authorized services. CCAP payment for parent absences from work shall not exceed two (2) weeks as outlined in Section 0850.02.07 of this rule.

ii) There is an expectation on the part of both the parent and the employer that the parent will return to work once the authorized absence or period of leave is over.

d) Job Loss/Temporary Unemployment. An eligibility grace period may be granted in cases when a parent of a child receiving CCAP authorized services is unable to meet the minimum number of work hours required to maintain a need for CCAP services due to temporary unemployment as a result

of job loss or the transition between jobs. In addition, the following criteria must be met:

i) The eligibility grace period shall not exceed twenty-one (21) consecutive days in a certification period from the date the period of temporary unemployment begins.

ii) The grace period shall not be extended or renewed.

iii) A parent who does not report a change in employment in accordance with the requirements established in 0850.02.09(3) shall not be granted a CCAP eligibility grace period unless good cause for the failure to report is shown.

iv) The department reserves the discretion to require a temporarily unemployed parent to submit any documentation deemed necessary to verify that continuation of CCAP eligibility during the grace period is warranted.

v) New applicants do not qualify to request a CCAP eligibility grace period.